

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

SUSAN G. SCHUMACHER,

No. C 13-00163 LB

Plaintiff,

v.

**ORDER (1) CONTINUING CMC AND
(2) TO SHOW CAUSE RE: FAILURE
TO PROSECUTE**

BANK OF AMERICA, NA, et al.,

Defendants.

On January 11, 2013, Susan Schumacher filed a complaint against Bank of America and ReconTrust Company. Complaint, ECF No. 1. The same day, she also filed an application to proceed *in forma pauperis* (“IFP Application”) due to her financial inability to pay the costs associated with the filing of her complaint. Motion for Leave, ECF No. 3. On January 17, 2013, the court granted Ms. Schumacher’s IFP Application and further ordered that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint and summons upon Bank of America and ReconTrust Company. 1/17/2013 Order, ECF No. 5.

Accordingly, on February 19, 2013, the Clerk of the Court sent Ms. Schumacher a letter asking her to provide addresses for Defendants so the U.S. Marshal could serve them. Clerks Letter, ECF No. 6. Under Federal Rule of Civil Procedure 4(m), a plaintiff normally has 120 days from the filing of the complaint to serve the complaint and summons on a defendant. Fed. R. Civ. P. 4(m). From the date Ms. Schumacher filed her complaint, 202 days have elapsed. From the date of the clerk’s notice asking her for Defendants’ addresses, 153 days have elapsed. To date, Defendants

1 have yet to be served because Ms. Schumacher did not provide the court with addresses for them. In
2 addition to the above, the court notes that Ms. Schumacher has not timely filed a case management
3 statement for the case management conference (“CMC”) set for July 25, 2013.

4 Under the circumstances, the court **CONTINUES** the initial CMC from Thursday, July 25,
5 2013, to **Thursday, August 22, 2013, at 11:00 a.m.** in Courtroom C, 15th Floor, U.S. District
6 Court, 450 Golden Gate Avenue, San Francisco, California. Furthermore, in light of Ms.
7 Schumacher’s failure to respond to the clerk’s letter dated February 19, 2013, the court **ORDERS**
8 her to show cause why the case should not be dismissed for her failure to prosecute it. She shall do
9 so by filing a written explanation no later than **August 1, 2013**. Failure to do so may result in
10 dismissal of the case without prejudice under Rule 4(m) for failure to prosecute.

11 **IT IS SO ORDERED.**

12 Dated: July 22, 2013



LAUREL BEELER
United States Magistrate Judge